

EXHIBIT “2”

JEFFREY M. VUCINICH, ESQ. BAR#: 67906
PATRICK R. CO, ESQ. BAR#: 200160
CLAPP, MORONEY, BELLAGAMBA and VUCINICH
A PROFESSIONAL CORPORATION
15 Southgate Avenue, Suite 200
Daly City, CA 94015
(650) 758-1199 (650) 758-2299 FAX

Attorneys for Defendant and Cross-Complainant
PAULEY CONSTRUCTION, INC.

FILED
San Francisco County Superior Court

AUG 02 2006

GORDON PARK-LI, Clerk

BY: [Signature]
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO

SHEA TUIAKI and LUPE TUIAKI,

Plaintiffs,

v.

PACIFIC GAS AND ELECTRIC
COMPANY, PAULEY
CONSTRUCTION, INC., TRAFFIC
SOLUTIONS, INC., ADELPHIA
TELECOMMUNICATIONS CO., INC.,
SBC TELECOMMUNICATIONS, INC.,
MOBILE TOOL INTERNATIONAL, INC.
dba TELSTA, COUNTY OF
MENDOCINO, STATE OF
CALIFORNIA, PACIFIC BELL
TELEPHONE COMPANY, PACIFIC
TELESIS GROUP, SBC OPERATIONS,
INC., and DOES 1 to 50.

Defendants.

AND RELATED CROSS-ACTION.

CASE NO.: CGC-03-419761

~~(proposed)~~ ORDER Denying

Adelphia Communication
Corporation's Motion for
Summary Adjudication

The motion of Defendant/Cross-Complainant ADELPHIA COMMUNICATION CORPORATION's for summary adjudication came on regularly for hearing before this Court in Department 301, the Hon. Peter J. Busch presiding.

After full consideration of all the moving and opposing papers, all the evidence, and the separate statements of each party, and the authorities submitted by all counsel, as well as all counsels'

~~(proposed)~~ ORDER

because, considering the admissible variance in the light most favorable to responding party.

(proposed) ORDER

Zornes Vol. 1, 102:6-14. (Attached as *Exhibit 7* to Vucinich Declaration). See Deposition of Michael Bryant Zornes Vol. 1, 106:8-25; 107:1-14; (Attached as *Exhibit 7* to Vucinich Declaration); Mario Hernandez Vol. 1, 116:9-18; 121:3-25; 122:1-25; 123:1-3. (Attached as *Exhibit 9* to Vucinich Declaration); and Deposition of Michael Bryant Zornes Vol. 1, 172:7-25; 173:1-25; 174:1-25; 175:1-25; 176:1-8. (Attached as *Exhibit 7* to Vucinich Declaration); and Deposition of Michael Bryant Zornes Vol. 2, 394:4-24. (Attached as *Exhibit 8* to Vucinich Declaration); Deposition of Fred Vesey Vol. 1, 110:10-25; 111-25; 112:1-25; 113:1-24; 120:3-23. (Attached as *Exhibit 12* to Vucinich Declaration); Deposition of Fred Vesey Vol. 2, 383:13-25; 384:1-8. (Attached as *Exhibit 13* to Vucinich Declaration); Deposition of Fred Vesey Vol. 1, 214:16-25; 215:1-25; 216:1-25; 217:1-25; 218:11-19. (Attached as *Exhibit 12* to Vucinich Declaration); Deposition of Michael Bryant Zornes Vol. 2, 326:20-25; 327:1-13. (Attached as *Exhibit 8* to Vucinich Declaration); Deposition of Fred Vesey Vol. 1, 106:19-23; 175:6-17; 201:6-10. (Attached as *Exhibit 12* to Vucinich Declaration); Deposition of Michael Bryant Zornes Vol. 1, 144:19-25; 145:1-25; 146:1-25; 147:1-25; 148:1-14. (Attached as *Exhibit 7* to Vucinich Declaration)]

IT IS THEREFORE ORDERED that said motion for summary adjudication is **DENIED**.

Dated: 8/1/06

By:

Peter J. Busch
JUDGE OF THE SUPERIOR COURT

PETER J. BUSCH